

FILED

SEP 22 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY CASE NO. 2021-GS-08-01300
CLERK OF COURT
BERKELEY COUNTY, SC

STATE VS.

INDICTMENT/CASE#: 2021-GS-08-01300

WESLEY KENDALL SMITH
AKA:
Race: B Sex: M Age: 43
DOB: SS#:
Address:
City, State, Zip:
DL# SID#

AW#: 2020ACB2000029
Date of Offense: 2/21/2020
S.C. Code §: 16-15-395(A)
CDR Code #: 0379

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazard Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: SEXUAL EXPLOITATION OF A MINOR - 1ST DEGREE

In violation of § 16-15-395(A) of the S.C. Code of Laws, bearing CDR Code # 0379

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s Initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Jonathan S. Wells 104265
Assistant Attorney General SC Bar # Defendant

[Signature] 100403
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 18 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or payment

of \$ plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2021-GS-08-1302; 1301
all of Sept. 22, 2023

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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OCT 03 2023

SC Court of Appeals

SPECIAL CONDITIONS:

- PTUP after _____ months/years
And Other Terms Listed Below:
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: ATM

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 100
§56-5-2995 (DUI Assessment)	\$100	\$
§56-1-288 (DUI Breath Test)	\$12	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$25	\$ 25
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$41	\$
§56-5-2942(J) (Vehicle Assessment)	\$50	\$
3% to County (if paid in installments)	\$40/ea	\$
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	TBD	\$ 3.75
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	\$500	\$
	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: Hill Presiding Judge: [Signature]

Court Reporter: WESTRE TORRES Judge Code: 212B

Sentence Date: 9/22/2023

FILED

STATE OF SOUTH CAROLINA

SEP 22 2023

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

STATE

VS.

LEAH GUERRY DUFFRE
CLERK OF COURT
BERKELEY COUNTY, SC

INDICTMENT/CASE#: 2021-GS-08-01301

WESLEY KENDALL SMITH

AW#: 2020A0210100031

AKA:

Date of Offense: 9/21/2020

Race: B

Sex: M

Age: 43

S.C. Code §: 16-03-654

DOB:

SS#:

CDR Code #: 0162

Address:

City, State, Zip:

DL#:

SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: CRIMINAL SEXUAL CONDUCT - 3RD DEGREE

In violation of § 16-03-654 of the S.C. Code of Laws, bearing CDR Code # 0162

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Prosecution to Grand Jury. (def.'s Initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Annex S. Wells 104265
Assistant Attorney General SC Bar # Defendant

[Signature] 100403
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 2 yrs days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run:

CONCURRENT or CONSECUTIVE to sentence on: 2021-GS-08-1302
file of Sept. 22, 2023

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

** 2 yrs is imposed to bring the imposed sentence within the negotiated cap of 20 yrs.*

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OCT 03 2023

SC Court of Appeals

SPECIAL CONDITIONS:

- PTUP after _____ months/years
 And Other Terms Listed Below:
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours.
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: ATU

RESTITUTION: Deferred. Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by.SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)		\$	
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	100
§56-5-2995 (DUI Assessment)	\$100	\$	
§56-1-286 (DUI Breath Test)	\$12	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	
§14-1-213 (Drug Court Surcharge)	\$25	\$	25
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$150	\$	
§50-21-114 (BUI Breath Test Fee)	\$41	\$	
§56-5-2942(J) (Vehicle Assessment)	\$50	\$	
3% to County (if paid in installments)	\$40/ea	\$	
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	TBD	\$	375
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	\$500	\$	
	TBD	\$	
	TOTAL	\$	128.75

Clerk of Court/Deputy Clerk: J Hill Presiding Judge: [Signature]

Court Reporter: Westre Torres Judge Code: 2126

Sentence Date: 4/22/2023

FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY SEP 22 2023

STATE

VS.

CASE NO. LEAH GEORGINA DUNN
CLERK OF COURT
BERKELEY COUNTY, SC

INDICTMENT/CASE#: 2021-GS-08-01302

WESLEY KENDALL SMITH

AW#: 20210910201139

Date of Offense: 2/17/2020

S.C. Code §: 16-15-0345

CDR Code #: 0375

AKA:
Race: B Sex: M Age: 43
DOB: SS#:
Address:
City, State, Zip:
DL# SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: DISSEMINATION OF OBSCENE MATERIAL TO PERSON UNDER AGE EIGHTEEN

In violation of § 16-15-0345 of the S.C. Code of Laws, bearing CDR Code # 0375

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Assistant Attorney General SC Bar # 104265 Defendant

Attorney for Defendant SC Bar # 100403

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center;

for a determinate term of 2 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$ ___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$ ___ plus costs and assessments as applicable; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: ~~all of Sept 20, 2023~~ 2021-GS-08-1301

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

2 yrs is imposed to bring the imposed sentence within the negotiated cap of 20 yrs.

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OCT 03 2023

SC Court of Appeals

SPECIAL CONDITIONS:

- PTUP after _____ months/years
 And Other Terms Listed Below:
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: ATU

- RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$
§14-1-206 (Assessments 107.5%)				\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ 100
§56-5-2995 (DUI Assessment)		\$12		\$
§56-1-286 (DUI Breath Test)		\$25		\$
§14-1-212 (Law Enforce. Funding)		\$25		\$ 25
§14-1-213 (Drug Court Surcharge)		\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$
§50-21-114 (BUI Breath Test Fee)		\$60		\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$
3% to County (if paid in installments)		TBD		\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$
		TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: Mill
 Court Reporter: Vestre Torres

Presiding Judge: [Signature]
 Judge Code: 2120
 Sentence Date: 9/22/2023

WITNESSES

Deputy Brooks Barlow – Berkeley County

Sheriff's Office

Page #34,10

ARREST WARRANT NUMBER

2020A08206Q0029

ACTION OF GRAND JURY

True Bill

Kali Salcedo 15 Sep 21
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021-GS-08-01300

The State of South Carolina

County of BERKELEY

COURT OF GENERAL SESSIONS

September 2021 TERM

THE STATE

vs.

WESLEY KENDALL SMITH
D.O.B. _____

Indictment for

SEXUAL EXPLOITATION OF A MINOR
FIRST DEGREE

S.C. CODE §16-15-395(A)
CDR Code: 0379

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

SC Court of Appeals
OCT 03 2023

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LEAH QUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC
21 SEP 15 PM 12:50

FILED

JH

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF BERKELEY)

INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,
FIRST DEGREE

At a Court of General Sessions, convened on September 15, 2021,
the Grand Jurors of Berkeley County present upon their oath:

That Wesley Kendall Smith did, in Berkeley County, on or about February 21, 2020, commit the crime of Sexual Exploitation of a Minor, First Degree. To wit: Wesley Kendall Smith used, employed, induced, coerced, encouraged or facilitated a minor to engage in, or assist others to engage in, sexual activity for the purpose of producing material that contains a visual representation depicting this activity, or appear in a state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Berkeley, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL

Alan Wilson
ALAN WILSON (JSW)
ATTORNEY GENERAL

WITNESSES

Deputy Brooks Barlow – Berkeley County

Sheriff's Office

Bro Bar #3410

ARREST WARRANT NUMBER

2020A0820600031

ACTION OF GRAND JURY

True Bill

Will Salcedo 15 Sep 21

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-08-01301

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

September 2021 TERM

THE STATE

vs.

**WESLEY KENDALL SMITH
D.O.B.**

Indictment for

**CRIMINAL SEXUAL CONDUCT, THIRD
DEGREE**

S.C. CODE §16-03-654
CDR Code: 0162

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C., PLS. AND G.S.

FILED
21 SEP 15 PM 12:50
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

RECEIVED
OCT 03 2023
SC Court of Appeals

JH

WITNESSES

Special Investigator Lucinda McKellar – South

Carolina Attorney General's Office

Lucinda McKellar

ARREST WARRANT NUMBER

2020A0810301139

ACTION OF GRAND JURY

True Bill

Walt Salcedo

Foreperson of Grand Jury
Date: 15 Sep 21

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021-GS-08-01502

**The State of South Carolina
County of Berkeley**

COURT OF GENERAL SESSIONS

September, 2021, TERM

THE STATE

vs.

**WESLEY KENDALL SMITH
D.O.B. [REDACTED]**

**Indictment for
DISSEMINATION OF OBSCENE
MATERIAL TO PERSON UNDER AGE
EIGHTEEN**

South Carolina Common Law and
SC Code: 16-15-0345
CDR Code: 0375

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

RECEIVED
OCT 03 2023
SC Court of Appeals

FILED
21 SEP 15 PM 12:47
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

WKS

